GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agricultural Marketing Department – Departmental Proceedings initiated against Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada on the allegation of irregularities in execution of work of "Construction of 5000 MT Godown Nos.1, 2 & 3 in Market Yard at Gollapudi of A.M.C, Vijayawada and 5000 MT Godown in Market Yard at Tiruvuru of A.M.C, Tiruvuru." – Inquiry conducted – Charge held proved – Imposing of penalty besides recovery of loss caused to Government – Orders – Issued.

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AGRICULTURE & CO-OPERATION(VIG.II) DEPARTMENT

G.O.Rt.No.429 Dated:13-07-2021.

Read the following:-

1. From the Registrar, Institution of Lokayukta of A.P., Hyderabad Letter Dis.No.1584/2012/B2/3230/2015, dated: 11.05.2015.
2. From the C&DoAM, A.P., Guntur Letter No.Ec-T/63/2015/ DEE.II/ Report on allegations/Lokayukta, dated:31.10.2016.
3. G.O.Rt.No's.8 to 15, A&C(Vig.II) Dept, dated:16.01.2017.
4. G.O.Ms.No.5, A&C(Vig.II) Dept., dated:20.01.2017.
5. G.O.Rt.No.35, A&C(Vig.II) Dept., dated:20.01.2017.
6. G.O.Rt.No.304, A&C(VIg.II) Dept., dated:07.05.2018.
7. G.O.Rt.No.292, A&C(VIg.II) Dept., dated:12.04.2019.
8. Inquiry Report of COI-JS, D.O.Letter No.21/COI-JS/2019, dated:18.03.2020.
9. Govt. Memo No.4406/Vig.II(1)/2015, dated:02.06.2020.
10. Explanation of Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada, dated:25-09-2020.
11. Govt. Letter No.4406/Vig.II(1)/2015, dated:28.01.2021.
12. From the Secretary, APPSC, Vijayawada, Letter No.101/DC&C/2021, dated:23-06-2021.

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O R D E R:

The Registrar, Institution of Lokayukta of A.P., Hyderabad, in the reference 1st read above, had informed that, the Hon'ble Upa Lokayukta vide orders dated:08.04.2015 in Complaint No.1584/2012/B2 referred the matter to the Government under Rule 5(8) of the Andhra Pradesh Lokayukta and Upa-Lokayukta Rules, 1984, for conducting departmental enquiry as per Andhra Pradesh Civil Services(Classification, Control & Appeal) Rules against the persons responsible.

2. Based on the report of the Deputy Director(Investigation), O/o Hon'ble Lokayukta, A.P. as well as the report furnished by the Commissioner & Director of Agricultural Marketing, AP, Guntur departmental proceedings were initiated by framing articles of charges against following nine (9) Accused Officers on the allegations of irregularities of corruption and malpractices in execution of works in various AMC's in the State of Andhra Pradesh.

1. Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada;
2. Sri Y.A.V.S.R.K. Prasad, Deputy Executive Engineer(AM), Vijayawada;
3. Sri V.S.R.K. Prasad, Asst.Executive Engineer(AM), Vijayawada;
4. Sri P. Gopi, Asst.Executive Engineer(AM), Vijayawada;
5. Sri M.Venugopal Rao, Executive Engineer(AM), Guntur;
6. Sri D.Veerabhadra Rao, Deputy Executive(AM) Electrical, Vijayawada;
7. Sri D. Kotaiah, Asst.Engineer(AM), Guntur;

P.T.O.

8. Sri P. Venkateswar Rao, Asst.Engineer(AM), Guntur; and
9. Sri P.V.S.Chalapathi Rao, Asst.Engineer(AM), Guntur.

3. The article of charge framed against Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada is as follows:-

Article of Charge:-

"That Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa has failed to discharge his legitimate duties and failed to follow prescribed procedures and committed irregularities in execution of following works:-

1. Construction of 5000 MT Godown No.1 in Market Yard @ Gollapudi of A.M.C, Vijayawada;
2. Construction of 5000 MT Godown No.2 in Market Yard @ Gollapudi of A.M.C, Vijayawada; and
3. Construction of 5000 MT Godown No.3 in Market Yard @ Gollapudi of A.M.C, Vijayawada.
4. Construction of 5000 MT Godown in Market Yard @ Tiruvuru of A.M.C, Tiruvuru.

Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa has committed grave irregularities during execution of works and failed to follow prescribed procedure laid down for calculation of price escalation with reference to the agreement conditions and also relevant circulars, Government orders, which recommended the payment of price adjustment to the contractor even when the contractor has not completed the work within the stipulated Agreement period and impose fine of Rs. 20,000/- per each godown. An amount of Rs. 15,87,903/- and of Rs. 10,15,550/- was paid to the contractors towards price adjustment in respect of Gollapudi godowns and Tiruvuru godown irregularly to a total of Rs.26,03,453/- loss to the Government Exchequer".

4. All the Charged Officers have submitted their written statements of defence except Sri K.Jayasekhar, Executive Engineer(AM), Vijayawada, denying the charges framed against them. After examining the written statements of defence of the Charged Officers, Government have decided to conduct a detailed inquiry into the charges framed against them as their written statements of defence are not convincing. Accordingly, in the reference 6th read above, Sri K.Sahadeva Reddy, Member, Commissioner of Inquires, General Administration(COI) Department was appointed as Inquiring Authority for conducting common inquiry into charges framed against all Charged Officers and Sri S.Sidda Reddy, Executive Engineer (AM), Guntur was also appointed as Presenting Officer. Subsequently in the reference 7th read above, Sri J.Satyanarayana, Member, Commissioner of Inquiries has been appointed as Inquiring Authority.

5. After conducting common inquiry, in the reference 8th read above, the Inquiring Authority/ Commissioner of Inquiries has furnished the inquiry report stating that, the charges framed against (8) Charged Officers are held as proved and the charges framed against Sri D.Veerabhadra Rao, Deputy Executive Engineer(AM) Electrical, Vijayawada are held as not proved.

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6. In the reference 9th read above, a copy of the inquiry report was communicated to all (9) Charged Officers with a direction to submit their explanations, if any, on the findings of the Inquiry Officer. In the reference 10th read above, Sri K.Jayasekhar, Executive Engineer(AM), Vijayawada has submitted his explanation on the findings of the inquiry officer.

7. Government, after careful examination of the matter with reference to the record of inquiry,, have provisionally decided to impose a penalty of "Withholding of one (1) Annual Grade Increment with cumulative effect besides recovery of an amount of Rs.12,56,931/- towards his share for causing financial loss to the Government" against Sri K.Jayasekhar, Executive Engineer(AM), Vijayawada. Accordingly, in the reference 11th read above, the Andhra Pradesh Public Service Commission was addressed for their concurrence on the decision of the Government.

8. The Secretary, Andhra Pradesh Public Service Commission, Vijayawada, in the reference 12th read above, has informed that the Commission agrees with the proposal of the Government, to impose a penalty of "Withholding of one (1) Annual Grade Increment with cumulative effect besides recovery of an amount of Rs.12,56,931/-(Rupees Twelve lakh Fifty Six thousand Nine hundred and Thirty One only) towards his share for causing financial loss to the Government" against Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada and advise accordingly.

9. Government, after following due procedure and careful examination of the matter, hereby order to impose a penalty of "Withholding of one (1) Annual Grade Increment with cumulative effect besides recovery of an amount of Rs.12,56,931/-(Rupees Twelve lakh Fifty Six thousand Nine hundred and Thirty One only) towards his share for causing financial loss to the Government" against Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada, in the above said disciplinary case.

10. The Commissioner & Director of Agriculture Marketing, A.P., Guntur shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PARDESH)

Y MADHUSUDHANA REDDY, IFS,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri K. Jayasekhar, Executive Engineer(AM), Vijayawada.(Through:- The Commissioner & Director of Agricultural Marketing, AP, Guntur)

Copy to:-
The Commissioner & Director of Agricultural Marketing, AP, Guntur.
The Secretary, A.P.P.S.C, Vijayawada.
The Accountant General, A.P., Vijayawada.
The OSD to Hon'ble Minister(Agri., Mktg., Coop. & FP).
SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER